

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEXANDER OCASIO,

Plaintiff,

vs.

THE EIGHTH JUDICIAL DISTRICT
 COURT OF CLARK COUNTY, NEVADA,

Defendant.

3:09-cv-00168-LRH-VPC

ORDER

Plaintiff, who is a state prisoner proceeding *in forma pauperis* and pro se, initiated a civil rights action. On July 28, 2009, the Court ordered the complaint be dismissed for failure to state a claim upon which relief can be granted because his claims against the defendants are barred due to absolute immunity. (#4). Before the Court is Plaintiff's Motion for Reconsideration (#7) of that order.

To warrant reconsideration of the Court's prior order, the movant must (1) present the court with newly discovered evidence, (2) show that the Court committed clear error or the initial decision was manifestly unjust, or (3) show that there is an intervening change in controlling law. *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir.1993). However, "[a] motion for reconsideration is not an avenue to re-litigate the same issues and arguments upon which the court already has ruled." *In re AgriBioTech, Inc.*, 319 B.R. 207, 209 (D. Nev. 2004).

In this instance, Plaintiff is merely attempting to relitigate the same issues and arguments upon which the Court has already ruled. He has not presented newly discovered evidence, shown that there an intervening change in law, or established that the Court committed clear error or the

1 decisions were manifestly unjust. Accordingly, his motion will be denied.

2 Based on the foregoing, and with good cause appearing,

3 **IT IS THEREFORE ORDERED** that Plaintiff's Motion for Reconsideration (#7) is
4 **DENIED.**

5 DATED this 17th day of August, 2009.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE